

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 201905078	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/02/2019 2:47 AM, Sunday, 06/02/2019 7:15 AM	Location of Incident: § 87(2)(b) and the 61st Precinct stationhouse	Precinct: 61	18 Mo. SOL 12/2/2020	EO SOL 7/19/2021	
Date/Time CV Reported Sun, 06/02/2019 4:04 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/12/2019 10:47 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Donald Louis	03581	931795	061 PCT
2. SGT Pawel Maslinski	01708	947227	061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Beatrice Slavesco	13086	966346	061 PCT
2. POF Alyson Kozakcrane	08931	923520	061 PCT
3. POM Hammad Syed	27013	948280	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Pawel Maslinski	Abuse: At § 87(2)(b) in Brooklyn, Sergeant Pawel Maslinski damaged § 87(2)(b)'s property.	§ 87(2)(b)
B.SGT Pawel Maslinski	Abuse: Sergeant Pawel Maslinski authorized an entry into § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.SGT Pawel Maslinski	Abuse: Sergeant Pawel Maslinski authorized a search of § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D.SGT Donald Louis	Abuse: At the 61st Precinct stationhouse in Brooklyn, Sergeant Donald Louis did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)

### Case Summary

On June 2, 2019, § 87(2)(b) filed this complaint over the phone with IAB, reflected in IAB log § 87(2)(b). On June 12, 2019, the CCRB received this complaint in IAB log § 87(2)(b).

On June 2, 2019, at approximately 2:47 a.m., § 87(2)(b) was away from his residence, which he shares with his wife, § 87(2)(b) when he observed, via remote cellphone access to external security cameras at his home, police officers of the 61<sup>st</sup> Precinct including Sgt. Pawel Maslinski, PO Beatrice Slavescu, and PO Alyson Kozak-Crane outside of his residence at § 87(2)(b) in Brooklyn. § 87(2)(b) § 87(2)(b)'s neighbor, was also on scene. Sgt. Maslinski authorized the forcible entry into § 87(2)(b)'s residence, which included breaking an exterior door, and a search within (**Allegations A – C: Abuse of Authority**, § 87(2)(g)).

When § 87(2)(b) returned home and noticed that officers had entered his home, he went to the 61<sup>st</sup> Precinct stationhouse at approximately 7:15 a.m. He spoke to Sgt. Donald Louis of the 61<sup>st</sup> Precinct at the front desk about the earlier incident and requested to file a complaint against the officers who were involved. Sgt. Louis refused his request (**Allegation D: Abuse of Authority**, § 87(2)(g)). PO Hammad Syed of the 61<sup>st</sup> Precinct was working at the front desk at this time and Sgt. Maslinski was also present for § 87(2)(b)'s visit.

No arrests were made and no summonses were issued.

Body-worn camera footage was obtained from the NYPD Legal Bureau (BR 01-03).

### Findings and Recommendations

**Allegation A – Abuse of Authority: At § 87(2)(b) in Brooklyn, Sergeant Pawel Maslinski damaged § 87(2)(b)'s property.**

**Allegation B – Abuse of Authority: Sergeant Pawel Maslinski authorized an entry into § 87(2)(b) in Brooklyn.**

**Allegation C – Abuse of Authority: Sergeant Pawel Maslinski authorized a search of § 87(2)(b) in Brooklyn.**

On June 1, 2019, at approximately 10:30 p.m., § 87(2)(b) had returned home at § 87(2)(b) in Brooklyn, where he resided with his wife and their three children (BR 04-05). § 87(2)(b) and the children were not home. § 87(2)(b) remained home for approximately ten minutes before leaving, and he left no lights on inside the house and there were no individuals inside. § 87(2)(b) went to a bar approximately one mile away. § 87(2)(b) had one exterior security camera for his home, which records the front area of the house, which he monitored via his cellphone. At approximately 11:30 p.m., § 87(2)(b) checked the camera and observed an unknown individual walking around his home and looking in through windows while holding an unknown object in his hand. § 87(2)(b) called 911 and reported that someone was attempting to break in and burglar his home, possibly with a weapon. § 87(2)(b) continued watching his camera and approximately five minutes after calling 911, he recognized the unknown individual to be § 87(2)(b) a neighbor and a member of the § 87(2)(b). He did not know why § 87(2)(b) was there but § 87(2)(b) called 911 again to report there was no crime and requested to cancel the police response. The 911 operator told him that the police were already on their way. § 87(2)(b) § 87(2)(b) texted § 87(2)(b) asking to meet and § 87(2)(b) provided § 87(2)(b) his location at the bar. § 87(2)(b) observed via his camera that § 87(2)(b) remained outside his house.

At approximately 12:00 a.m. on June 2, 2019, § 87(2)(b) observed via his camera at least five to six uniformed officers. As the camera only captures the immediate front of the house, his view of all officers and the entire incident was limited. § 87(2)(b) did not watch his security continuously and after approximately one and a half hours, his phone battery died and he was no longer able to observe the incident. He did not observe any officers enter his home. § 87(2)(b)

recalled seeing officers inspect his front door and look into his home through the front window with a flashlight for approximately thirty minutes. He did not directly observe any officers tamper with his doors, locks, or any other part of his property.

§ 87(2)(b) returned home at approximately 6:00 a.m. He observed that the three locks on his front door had various scratches and dents in the metal. The side door of his residence was held shut with a garbage can. The molding in the doorframe was completely cracked, the door had dents, and the wall that the door opens toward had a dent in it from the doorknob. The door to the master bedroom on the second floor had dents in it and the wall that the door opens toward had a dent in it from the doorknob. Similar damage was sustained to the door and entrance to the children's bedroom, also located on the second floor. § 87(2)(b) credited all of his damaged property to the actions of the officers. He did not notice any other signs that officers had entered his home, such as his belongings being in different places. § 87(2)(b) did not know why officers entered his home.

§ 87(2)(b) was unresponsive to request from the investigation to provide video and photographs he had capturing the incident. IAB provided photographs to the investigation that § 87(2)(b) sent regarding his original complaint (BR 06-07). They depict scratches to his side door as well as cracks in the respective doorframe and scratches to a lock on his front door. No photographs of any damage to interior doors and walls were provided.

§ 87(2)(b) testified that he went to § 87(2)(b)'s house after receiving a call from § 87(2)(b)'s brother (BR 08-09). § 87(2)(b)'s brother told § 87(2)(b) that he feared § 87(2)(b) would harm himself and/or his wife and children as he was acting "erratic." § 87(2)(b) drove to § 87(2)(b)'s residence and knocked on the front door with no answer or any signs of activity, though at least one interior light was on and visible through at least one window. He stated that § 87(2)(b)'s brother, mother, and father were also outside, whom § 87(2)(b) declined to name, and other unfamiliar civilians. Police arrived approximately 30 minutes after § 87(2)(b) though he did not know who called for them. Before police arrived, § 87(2)(b) exchanged in a text conversation with § 87(2)(b). § 87(2)(b) told § 87(2)(b) he was previously home and had left, though no civilian on scene observed him leave. Officers spoke to § 87(2)(b)'s brother but § 87(2)(b) did not hear what they discussed. Officers knocked on the front and side doors, announcing police presence and asking if anyone was home, with no response. Approximately 10-15 minutes after their arrival, § 87(2)(b)'s brother called § 87(2)(b)'s wife and allowed an officer to speak with her. § 87(2)(b) did not know what was discussed over the phone. § 87(2)(b) had tried continuing to text § 87(2)(b) after their initial correspondence, as well as calling him, but he was unresponsive. The officers tried calling § 87(2)(b) themselves without success. Two to three ESU officers arrived. § 87(2)(b) did not observe any officers enter the residence or how they gained access, but at some point, multiple officers were no longer outside. Approximately five to six minutes after losing sight of multiple officers, these officers came outside via the front door. During that period of time, § 87(2)(b) observed beams from flashlights shining inside the house through windows. He heard officers tell § 87(2)(b)'s brother that they found one individual inside the home whom § 87(2)(b) believed was a housekeeper.

§ 87(2)(b) provided an unverified statement regarding these allegations (BR 10). On June 1, 2019, at approximately 11:00 p.m., § 87(2)(b) and § 87(2)(b) were having an argument because § 87(2)(b) "wasn't acting like himself." § 87(2)(b) left the house with her children about an hour after the argument. § 87(2)(b) first learned of NYPD involvement in the incident through § 87(2)(b)'s brother, whom she declined to name, over the phone. She only generally testified that her brother-in-law apprised her of the situation and did not state directly whether she knew the house was locked and inaccessible to those on scene. She was also called by a male NYPD officer who asked her what was happening. She told him that she and § 87(2)(b) had an argument. § 87(2)(b) was very angry and she left the house. She had never seen behavior like that from her husband, so she told the officer she was worried that he was in harm's way. § 87(2)(b) believed she told the officers at the time that she they should go into the house because she wanted the officers to talk with him and make sure he was alright. She did not present the officers with any

specific behaviors or statements from § 87(2)(b). The phone conversation with the officer lasted a few minutes. § 87(2)(b) declined to provide a verified statement to the investigation.

Four brothers of § 87(2)(b) were identified via queries of the LexisNexis and CLEAR databases and when contacted, all declined to participate in the investigation. A woman identified as § 87(2)(b)'s mother also requested that she and her family not be contacted by the investigation. No other potential witnesses were identified.

PO Slavescu, PO Kozak-Crane, and Sgt. Maslinski all provided consistent testimony except where noted (BR 11-13). PO Slavescu and PO Kozak-Crane, assigned to patrol sector A, were the initial officers on scene, responding to a report of a domestic dispute by an unknown 911 caller. On scene, they observed several members of the § 87(2)(b), one of whom identified themselves as § 87(2)(b)'s brother. He explained that § 87(2)(b) was experiencing intense stress due to financial and marital problems and was unresponsive to phone calls and knocking on the door. Officers also tried calling § 87(2)(b) with no response. § 87(2)(b)'s brother stated he was concerned for his brother's safety, believing he would harm himself, and asked officers to go inside to check on him as the last place anyone saw § 87(2)(b) was inside the residence. He was adamant that § 87(2)(b) was inside the residence. No one on scene had access to the house. Both officers repeatedly rang the doorbell and knocked on the front door, side door, and windows all along the house without any response. PO Kozak-Crane, believing ESU might be needed to force entry to ensure § 87(2)(b)'s safety within the residence, requested Sgt. Maslinski to the scene for his approval. Sgt. Maslinski stated that when he arrived on scene, he spoke to PO Slavescu, PO Kozak-Crane, § 87(2)(b)'s brother-in-law and another member of the § 87(2)(b), who apprised him of what had occurred. Sgt. Maslinski asked the brother-in-law to call § 87(2)(b). When Sgt. Maslinski spoke to § 87(2)(b) on the phone, she told him she was worried about her husband and also mentioned the financial and work problems he was experiencing. He had been very emotional and it had been escalating recently. Due to the general problems she described and her husband's emotionality, she believed he could hurt himself. She was not specific about how her husband might hurt himself. Sgt. Maslinski told her that officers would have to enter the house to check that her husband was safe. He did not recall how the wife responded to that information, but he stated she never objected to officers entering the house. She did not specifically request that officers do so. Due to safety concerns for § 87(2)(b), whom he believed to be inside the house, Sgt. Maslinski and the officers on scene tried again to gain entry by knocking doors and ground floor and basement windows around the perimeter of the house. There was no response to the officers' knocking over approximately ten to fifteen minutes and all doors were locked. As officers saw no activity inside the house, no one responded to their knocking, the wife had expressed concern for her husband's safety, and individuals on scene told officers that § 87(2)(b)'s last confirmed whereabouts were within the residence, Sgt. Maslinski decided that entry needed to be forced to make sure § 87(2)(b) was not dead inside the house. He called for ESU over the radio to make that entry. PO Kozak-Crane believed that Sgt. Maslinski instructed her to request ESU, which she did. She did not recall if Sgt. Maslinski instructed her prior to his arrival on scene in order to save time, as the response could be cancelled, but if so, Sgt. Maslinski confirmed this to be the right decision once on scene. ESU arrived and gained entry through side door in an unspecified manner, which damaged the door. ESU officers searched the house and informed other officers that they did not find § 87(2)(b) or any signs of a disturbance. However, they located a female in the basement who did not speak English. Officers believed her to be a housekeeper or a home aide. Officers then left and secured the broken side door.

The Event, ICAD # § 87(2)(b) for this incident indicates two calls at the incident location were subsumed under the one Event (BR 14). At 11:19 p.m., an unknown caller reported a domestic disturbance and hung up. At 1:02 a.m., § 87(2)(b) called to report a suspicious person outside his home. At 1:04 a.m., PO Slavescu and PO Kozak-Crane arrived on scene. At 1:43 a.m., ESU was requested to the scene by PO Slavescu and PO Kozak-Crane's unit for a person behind a locked door. At 2:11 a.m., Sgt. Maslinski arrived on scene. When PO Slavescu and PO Kozak-

Crane were asked about the second call for a suspicious person, they had no recollection of such a call or how it related to the incident.

The City-Involved Accident Report, prepared by PO Slavescu, regarding this incident shows that at 2:47 a.m., the side door of § 87(2)(b) was damaged by ESU who entered regarding a wellness check. “§ 87(2)(b)” is listed as a source of information.

Under the “emergency doctrine,” officers are excused from otherwise impermissible police conduct if seeking to help someone in immediate danger. This exception is comprised of three elements: (1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property and this belief must be grounded in empirical facts; (2) the search must not be primarily motivated by an intent to arrest and seize evidence; and (3) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched (People v. Doll, 21 N.Y.3d 665 [2013]) (BR 15).

§ 87(2)(g)

**Allegation D – Abuse of Authority: At the 61st Precinct stationhouse in Brooklyn, Sergeant Donald Louis did not process § 87(2)(b)'s complaint regarding officers.**

After returning home for approximately 40 minutes, § 87(2)(b) stated he went to the 61<sup>st</sup> Precinct stationhouse seeking an explanation. He arrived at approximately 7:15 a.m. and approached Sgt. Louis at the front desk. § 87(2)(b) told him that he was confused about the previous incident and asked for an explanation. Initially during his verified statement, § 87(2)(b) was unsure whether he asked Sgt. Louis to file a complaint against the officers. However, he later affirmed that he asked to file his own “police report” regarding the incident. Sgt. Louis prevented him from doing so in manner § 87(2)(b) did not recall. As § 87(2)(b) was already upset and angry, he did not want to be arrested by pursuing the subject of filing a complaint, so he decided on his own to make his own report by calling 911 later. No officer threatened to arrest him. Sgt. Louis showed § 87(2)(b) a police report that had been completed regarding the incident at § 87(2)(b)'s home and told him it had to do with a domestic incident. While § 87(2)(b) and Sgt. Louis spoke, Sgt. Maslinski approached § 87(2)(b) and told him he was one of the officers at his house and that it had to do with a report of domestic violence. § 87(2)(b) asked him how officers believed there was domestic violence when he only called to report a possible burglary. Sgt. Maslinski suggested that § 87(2)(b)'s wife called 911 and asked if there was any incident between him and § 87(2)(b). § 87(2)(b) stated there was not. § 87(2)(b) left the stationhouse at approximately 8:00 a.m. and immediately called 911 to file his complaint.

Sgt. Louis did not recall any civilian attempting to file a complaint against officers and did not recognize a photograph of § 87(2)(b) (BR 16). He was not familiar with the incident at § 87(2)(b).

§ 87(2)(b)'s residence.

PO Syed started his tour on the incident date at approximately 7:05 a.m. and estimated he began telephone switchboard duties by 7:20 a.m. (BR 17). He did not recall any civilian attempting to file a complaint that day and did not recognize a photograph of § 87(2)(b). He was not familiar with the incident at § 87(2)(b)'s residence. He did not observe Sgt. Louis or any other officer refuse to take any complaints from § 87(2)(b).

Sgt. Maslinski explained that later that day while he was at the stationhouse, § 87(2)(b) entered. He was upset about damage to his door and that officers had entered his home, stating his address. Sgt. Maslinski told him that he had spoken to his wife during the incident and that he should speak to her to find out exactly what had transpired. § 87(2)(b) then left the stationhouse. § 87(2)(b) never mentioned that he wanted to file a complaint or any other report in Sgt. Maslinski's presence. Sgt. Maslinski stated he was the only officer present and that § 87(2)(b) did not speak to any other supervisors.

The 61<sup>st</sup> Precinct's Command Log did not have any entries on June 2, 2019, regarding § 87(2)(b)'s visit to the stationhouse (BR 23).

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 18).
- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 19).
- Sgt. Maslinski has been a member of service for 11 years and has not been subject of any other allegations in any other CCRB complaints (see officer history). § 87(2)(g)
- Sgt. Louis has been a member of service for 17 years and has been subject of eight other allegations in four other CCRB complaints with no substantiations (see officer history). § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- This case was deemed unsuitable for mediation due to property damage.
- On February 27, 2020, a FOIL request for any related Notices of Claim was submitted with the New York City Comptroller's Office and will be added to the case file upon receipt (BR 20).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: 11

Investigator: \_\_\_\_\_  
Signature                      Inv. Benjamin Shelton                      \_\_\_\_\_  
Print Title & Name                      Date

Squad Leader: \_\_\_\_\_  
Signature                      IM Edwin Peña                      \_\_\_\_\_  
Print Title & Name                      Date

Reviewer: \_\_\_\_\_  
Signature                      \_\_\_\_\_  
Print Title & Name                      Date